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7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 JOHN DOBBINS; individually and as
12 successor in interest to JENNIFER
DOBBINS, Decedent,

13 Plaintiffs,

14 v.

15 COUNTY OF RIVERSIDE; JOHN
16 BARTO; and DOES 1-10, inclusive,

17 Defendants.
18
19
20
21

Case No. 5:25-cv-01444-JGB-DTB

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO STAY
THE CASE**

Filed concurrently with Defendants' Request for Judicial Notice in Support of Motion to Stay the Case; and [Proposed] Order Staying the Case

Judge: Jesus G. Bernal

Date: November 24, 2025
Time: 9:00 a.m.
Crtrm.: 1

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 24, 2025 at 9:00 a.m., or as soon thereafter as this matter may be heard before Judge Jesus G. Bernal, 3470 Twelfth Street, Riverside, California 92501-3801, Courtroom 1, 2nd Floor, Defendants COUNTY OF RIVERSIDE and DEPUTY JOHN BARTO (hereinafter “Defendants”) will move to stay this case until the completion of Eric Nourani’s related criminal case. in the matter of *People of the State of California v. Eric Nourani*, Riverside County Superior Court Case No. RIF2403019 (herein after “Nourani Criminal Matter”)

As required by Central District Local Rule 7-3, prior to the filing of this motion, Defense counsel, Caylin W. Jones, has met and conferred with Plaintiff’s counsel on the issues presented in this motion on September 15, 2025 and September 17, 2025 but were unable to come to an agreement. See Declaration of C. Jones at ¶¶ 2-3.

This motion is based on this Notice of Motion and Motion, Memorandum of Points and Authorities, the Declaration of Caylin W. Jones, Defendant’s Request for Judicial Notice, and such further evidence and argument as the court may permit.

Dated: October 27, 2025

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Caylin W. Jones
Nathan A. Oyster
Caylin W. Jones
Attorneys for Defendants COUNTY
OF RIVERSIDE and JOHN BARTO

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This litigation arises from the fatal deputy involved shooting of Decedent Jennifer Dobbins on June 11, 2024. On that date around 1:05 a.m. Deputy John Barto was working patrol in the area of Sixth Street and Paseo Grande in the City of Corona. Deputy Barto was in his patrol vehicle when he noticed two people hiding in the bushes at the Larry Miller Toyota dealership, long after the dealership had closed. The two subjects were later determined to be Eric Nourani and Jennifer Dobbins. Deputy Barto pulled over and approached Nourani and Dobbins to determine what they were doing in the closed dealership. Nourani and Dobbins initially spoke with Deputy Barto but then inexplicably took off running. Deputy Barto chased after Nourani and Dobbins and as they turned down an alley way, Nourani and Dobbins stopped running. Nourani then turned around, told Dobbins that Deputy Barto was a “demon” and instructed Dobbins to “kill him.” Nourani then charged at Deputy Barto bringing him to the ground. Once Nourani brought Deputy Barto to the ground he began screaming “Kill him! Kill him!”, continuing to instruct Dobbins to kill Deputy Barto.

As Nourani continued to attack Deputy Barto, Dobbins knelt down and began grabbing Deputy Barto’s right hand to prevent him from using his radio to call for help. Nourani *viciously* attacked Deputy Barto biting off a chunk of his ear and biting the back of Deputy Barto’s head and his fingers. Dobbins then screamed at Deputy Barto **“I’m going to fucking get rid of you!...You are going to hell! Kill yourself!” and began kicking Deputy Barto in the head** while Nourani tried to get a hold of Deputy Barto’s gun. Dobbins kicked Deputy Barto in the head *six times* and Deputy Barto began to lose consciousness. Realizing that Dobbins and Nourani were going to kill him, Deputy Barto fired one round at Dobbins to stop her from kicking him in the head. Immediately thereafter, nearby construction workers came to Deputy Barto’s aid and pulled Nourani off Deputy Barto. Dobbins

1 ultimately died of the gunshot wound. Following this incident Deputy Barto was
2 hospitalized with numerous serious injuries.

3 On June 13, 2024, the Riverside District Attorney's Office filed a criminal
4 Complaint against Eric Nourani in *People of the State of California v. Eric Nourani*,
5 Riverside County Superior Court Case No. RIF2403019. In the criminal case
6 Nourani is charged with Penal Code section 187(a) (murder) for the felony murder
7 of Jennifer Dobbins as well as Penal Code section 187(a)/664(e) (attempted murder
8 on a peace officer), Penal Code section 203 (Mayhem), Penal Code section 69
9 (resisting a peace officer by violence), and Penal Code section 148.1 (resisting arrest
10 causing serious injury to an officer) for his actions against Deputy Barto.

11 Plaintiff John Dobbins, Jennifer Dobbins' father, filed this civil action on
12 June 10, 2025 (Dkt. 1) alleging that Deputy Barto used excessive force on Decedent
13 Dobbins. Plaintiff has asserted claims for relief under 42 U.S.C. § 1983.

14 Defendants now move for an Order staying this civil action until any charges
15 in the Nourani Criminal Matter that relate to the June 11, 2024 incident have been
16 resolved. Plaintiff's Complaint alleges that Deputy Barto used excessive force on
17 June 11, 2024. Whether the use of force was justified due to Eric Nourani and
18 Jennifer Dobbins' actions is an issue that is the subject of both this civil action and
19 the underlying criminal proceeding. As fully set forth below, Defendants contend
20 this action should be stayed pursuant to the Keating doctrine, which is set forth in
21 Keating v. Off. of Thrift Supervision, 45 F.3d 322, 324 (9th Cir. 1995), as well as
22 the Younger doctrine, set forth in Younger v. Harris, 401 U.S. 37 (1971).

23 **II. RELEVANT FACTS**

24 This lawsuit arises from Plaintiff's allegations that on June 11, 2024,
25 Defendant Deputy John Barto used unreasonable force against Decedent Jennifer
26 Dobbins. See Dkt. 1 at ¶¶ 3; 28-45. On June 13 2024, the People of the State of
27 California filed an initial criminal complaint against Decedent's co-conspirator, Eric
28 Nourani, for Penal Code section 187(a) (murder) for the felony murder of Jennifer

1 Dobbins as well as Penal Code section 187(a)/664(e) (attempted murder on a peace
2 officer), Penal Code section 203 (Mayhem), Penal Code section 69 (resisting a
3 peace officer by violence), and Penal Code section 148.1 (resisting arrest causing
4 serious injury to an officer) for his actions against Deputy Barto. See Request for
5 Judicial Notice, (“RJN”), Exhibit 1 & 2.

6 **III. A STAY IS WARRANTED WHERE CIVIL DISCOVERY WILL**
7 **INTERFERE WITH THE ONGOING NOURANI CRIMINAL**
8 **MATTER.**

9 A court has discretion to stay civil proceedings “when the interests of justice
10 seem to require such action.” Keating v. Off. of Thrift Supervision, 45 F.3d 322,
11 324 (9th Cir. 1995) (internal alterations and quotations omitted). As the Ninth
12 Circuit has explained:

13 The decision whether to stay civil proceedings in the face of a parallel
14 criminal proceeding should be made in light of the particular circumstances
15 and competing interests involved in the case. This means the decisionmaker
16 should consider the extent to which the defendant’s fifth amendment rights
17 are implicated. In addition, the decisionmaker should generally consider the
18 following factors: (1) the interest of the plaintiffs in proceeding expeditiously
19 with this litigation or any particular aspect of it, and the potential prejudice to
20 plaintiffs of a delay; (2) the burden which any particular aspect of the
21 proceedings may impose on defendants; (3) the convenience of the court in
22 the management of its cases, and the efficient use of judicial resources; (4) the
23 interests of persons not parties to the civil litigation; and (5) the interest of the
24 public in the pending civil and criminal litigation.

25 **“When civil proceedings are related to rulings that will likely be made in a**
26 **pending or anticipated criminal trial, it is common practice for the court to stay**
27 **the civil action until the criminal case or the likelihood of a criminal case is**
28 **ended.”** Green v. Lizarraga, No. 22-CV-1175-DMS-MMP, 2023 WL 8255118, at 2

1 (S.D. Cal. Nov. 28, 2023), report and recommendation adopted as modified, No. 22-
2 CV-1175-DMS-MMP, 2023 WL 8952099 (S.D. Cal. Dec. 28, 2023) (internal
3 citations omitted).

4 Turning to the first Keating factor, while Plaintiff may have an interest in
5 resolving this case expeditiously, “any prejudice to Plaintiff is minimal given that
6 both proceedings involve the similar facts and witnesses, and it is unlikely that
7 evidence will be lost or memories will fade with passage of time.” Hunt v. Diaz,
8 No. 119CV00504DADSABPC, 2020 WL 8465095, at 3 (E.D. Cal. Oct. 30, 2020).
9 Specifically, in this case, all the witnesses to the deputy involved shooting of
10 Jennifer Dobbins are also witnesses in the Nourani Criminal Matter where both
11 cases are predicated on the same event. Thus, all testimony will be preserved during
12 Nourani’s Criminal Matter, and this factor is in favor of a stay.

13 In looking at the second Keating factor, the burden that this civil case may
14 impose is *significant*. Allowing Plaintiff to continue this civil litigation would allow
15 Plaintiff to conduct discovery into the County’s criminal investigation of Nourani
16 and discover items of information that may not be discoverable in the Nourani
17 litigation. While Plaintiff may assert that he would not share discovery with Eric
18 Nourani or that a protective order would cure any concerns, in an audio taped
19 interview with DOJ Investigators Plaintiff John Dobbins informed investigators that
20 despite there being a protective order in place in Nourani’s Criminal Matter,
21 Nourani’s criminal attorneys have already shared video and other evidence with
22 him. See Declaration of C. Jones at ¶ 4. Thus, it is clear that Plaintiff will likely
23 share any information gathered in this civil case with Nourani’s attorneys in his
24 Criminal Matter and this civil case will interfere with Nourani’s ongoing Criminal
25 Matter.

26 With respect to the third factor, the efficient use of judicial resources, any
27 discovery in this civil case while the Nourani Criminal Matter is pending will likely
28 lead to an onslaught of discovery disputes which would consume judicial resources

1 and time. Further, and most importantly, Nourani’s Criminal Matter presents
2 several overlapping legal issues with this civil case. Allowing Nourani’s Criminal
3 Matter to proceed to completion prior to litigating this civil case will resolve
4 numerous legal issues in this case. For example, in the criminal trial, the Court will
5 have to determine whether Deputy Barto had reasonable suspicion to detain Nourani
6 and Dobbins. Conversely, in Plaintiff’s Complaint, he alleges that Deputy Barto did
7 not have reasonable suspicion to detain Dobbins and Nourani. See Dkt. 1 at ¶31; 34
8 (“Defendant BARTO did not have probable cause to arrest either of the two
9 individuals and did not have reasonable suspicion to stop either of the two
10 individuals.”) This is one of many allegations made in Plaintiff’s Complaint that
11 will be determined during the Nourani Criminal Matter. Thus, a stay of this case
12 until the completion of the Nourani Criminal Matter would solve numerous potential
13 discovery issues in this case and conserve judicial resources.

14 Finally, with respect to the fourth and fifth factor, the interests of third parties
15 and the public, the public has a strong interest in allowing criminal prosecution of
16 Eric Nourani to proceed without interference from this civil case. See Mann v.
17 Garcia, No. 121CV00764AWIEPGPC, 2022 WL 412013, at 6 (E.D. Cal. Feb. 10,
18 2022) (“When “[a]llowing the civil matter to proceed using the Federal Rules of
19 Civil Procedure would likely interfere with the potential criminal case(s)” then a
20 stay is strongly favored because “[a]s a general matter, ‘[t]he public’s interest in the
21 integrity of the criminal case is entitled to precedence over the civil litigant.’”) Therefore, a stay of this civil case until the completion of the Nourani Criminal
22 Matter would allow for the Criminal Matter to go forward without interference from
23 this civil case and is in the interests of justice.

24
25 **Moreover, if Nourani is convicted of a crime, this may serve as a bar to**
26 **Plaintiff’s claims.** See Beets v. Cnty. of Los Angeles, 669 F.3d 1038, 1040–41 (9th
27 Cir. 2012) (holding that co-conspirator’s conviction for assault of a peace officer
28 barred family’s wrongful death section 1983 action where the assault of a peace

1 officer convictions conclusively established the officer was “lawfully performing his
2 duties as a peace officer and that the officer was not ‘using unreasonable or
3 excessive force.’”) Courts have held that where a civil case has the potential to
4 interfere with a criminal case, a stay is warranted in the interests of justice. Martin v.
5 Gutierrez, No. 122CV00600ADABAMPC, 2023 WL 3324789, at 2 (E.D. Cal. Apr.
6 10, 2023) (“When a civil plaintiff brings claims under § 1983 that are “related to
7 rulings that will likely be made in a pending or anticipated criminal trial,” it is
8 “common practice” for the court “to stay the civil action until the criminal case or
9 the likelihood of a criminal case is ended.”) *quoting* Wallace v. Kato, 549 U.S. 384,
10 393–94 (2007).

11 For example, in this case if Nourani is convicted of Penal Code 187 for the
12 felony murder of Jennifer Dobbins, this would require a jury finding that Eric
13 Nourani aided and abetted Jennifer Dobbins in an unlawful felony or conspiracy,
14 caused the death of Jennifer Dobbins by reckless disregard for human life, and that
15 Deputy Barto was lawfully performing his duties as a peace officer. See CalCrim
16 Jury Instruction 540B. Similarly, if Nourani was found guilty of attempted murder
17 of Deputy Barto, this would also require a showing that Deputy Barto was lawfully
18 performing his duties as a peace officer during this incident, which includes the
19 shooting of Jennifer Dobbins. See CalCrim Jury Instruction 602.

20 If the jury in the Nourani Criminal Matter was to find that Deputy Barto was
21 acting lawfully in performing his duties as a peace officer at the time he shot
22 Jennifer Dobbins, Plaintiff’s civil case would be dismissed. See Smithart v. Towery,
23 79 F.3d 951, 952 (9th Cir.1996). “...if a criminal conviction arising out of the same
24 facts stands and is fundamentally inconsistent with the unlawful behavior for which
25 section 1983 damages are sought, the 1983 action must be dismissed.” Allowing this
26 civil case to continue while the Nourani Criminal Matter is ongoing also creates a
27 substantial risk of inconsistent rulings where the lawfulness of Deputy Barto’s
28 actions on June 11, 2024 are at issue in both cases.

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2 **IV. PURSUANT TO THE *YOUNGER* ABSTENTION DOCTRINE, THE**
3 **CASE SHOULD BE STAYED UNTIL ERIC NOURANI’S STATE**
4 **CRIMINAL PROCEEDING HAS CONCLUDED**

5 **A. The *Younger* Abstention Doctrine Applies to Limit Federal Court**
6 **Interference – Whether Director or Indirect – With a Pending**
7 **State Court Proceeding, Such as the Underlying Criminal**
8 **Proceeding**

9 In Younger v. Harris, 401 U.S. 37 (1971), the U.S. Supreme Court espoused a
10 strong federal policy against federal-court interference with pending state judicial
11 proceedings, absent extraordinary circumstances. Middlesex County Ethics
12 Committee v. Garden State Bar Ass’n, 457 U.S. 423, 431 (1982). Where certain
13 factors are met, a federal court must abstain and allow the state court to adjudicate all
14 claims, state and federal. Younger at 49-53. The underlying purpose of this
15 abstention doctrine is to avoid unnecessary conflict between state and federal
16 governments, and in matters of special interest to the states, to allow the states the
17 opportunity to adjudicate constitutional issues. United States v. Morros, 268 F.3d
18 695, 707 (9th Cir. 2001); M&A Gabae v. Community Redevelopment Agency of
19 City of Los Angeles, 419 F.3d 1036, 1040 (9th Cir. 2005). It is not a jurisdictional
20 restraint but arises from “strong policies counseling against the exercise of such
21 jurisdiction where particular kinds of state proceedings have already been
22 commenced”. Ohio Civil Rights Commission v. Dayton Christian Schools, Inc., 477
23 U.S. 619, 626 (1986).

24 In civil cases, Younger abstention is appropriate only when state proceedings:
25 (1) are ongoing, (2) involve state's interest in enforcing orders and judgments of its
26 courts, (3) implicate important state interest, and (4) allow litigants to raise federal
27 challenges. ReadyLink Healthcare, Inc. v. State Compensation Ins. Fund, 754 F.3d
28 754, 759 (9th Cir. 2014) (internal citations omitted). If these four threshold elements

1 are met, courts “then consider whether the federal action would have the practical
2 effect of enjoining the state proceedings and whether an exception to *Younger*
3 applies.” *Id.* at 759.

4 **B. All Of The *Younger* Factors are Met, Requiring Abstention Until**
5 **The Criminal Proceeding Is Resolved**

6 **1. The State Court Criminal Proceeding is Ongoing**

7 The first requirement for *Younger* abstention is that state proceedings were
8 ongoing when the federal action was filed. The critical question is not whether the
9 state proceedings are still ‘ongoing’ but whether the state proceedings were
10 underway before initiation of the federal proceedings.” *Wiener v. County of San*
11 *Diego*, 23 F3d 263, 266 (9th Cir. 1994) (internal quotes omitted).

12 Here, the People of the State of California filed an initial criminal complaint
13 against Eric Nourani on June 13, 2024, for the felony murder of Jennifer Dobbins
14 and the attempted murder of Deputy Barto. *See* Exhibit 1 and 2 to Defendants’ RJN.
15 Plaintiff filed this civil complaint on June 10, 2025, nearly a year after the initial
16 criminal Complaint was filed. Therefore, the state criminal proceedings were
17 underway before the federal proceedings were initiated on June 10, 2025.
18 Accordingly, this first factor requiring that the state criminal proceeding be ongoing
19 when the federal action is filed, is satisfied.

20 **2. The State Criminal Proceeding is an Enforcement Action**

21 In *Younger v. Harris*, the Supreme Court reaffirmed the long-standing
22 principle that federal courts sitting in equity cannot, absent exceptional
23 circumstances, enjoin pending state criminal proceedings. *Id.* at 43–54. The
24 underlying reason for restraining courts of equity from interfering with criminal
25 prosecutions is reinforced by a proper respect for state functions, “a recognition of
26 the fact that the entire country is made up of a Union of separate state governments,
27 and a continuance of the belief that the National Government will fare best if the
28 States and their institutions are left free to perform their separate functions in their

1 separate ways.” Id. at 44.

2 Here, it is undisputed that Eric Nourani, Decedent Dobbins’ co-conspirator, is
3 being charged with felony murder for the death of Jennifer Dobbins. Nourani is also
4 being charged with numerous felonies, including attempted murder, for his attack on
5 Deputy Barto. Therefore, the second factor of the Younger inquiry is satisfied.

6 **3. The Criminal Proceeding Implicates an Important State**
7 **Interest**

8 The third factor the Court must consider is whether the criminal proceeding
9 implicates an important state interest. ReadyLink at 759. As the Court in Younger
10 emphasized, this is a matter of comity, and thus there is an important state interest
11 for the need to have a state court determine the guilt or innocence of Eric Nourai
12 for the death of Jennifer Dobbins and attempted murder of Deputy Barto. See
13 Younger, at 44. Because the criminal proceeding implicates the important state
14 interest of allowing the state court to determine the guilt or innocence of Nourani,
15 and to consider the defenses, the third factor is satisfied.

16 **4. The Criminal Proceeding Affords Plaintiff an Adequate**
17 **Opportunity to Address his Federal Claims**

18 Turning to the fourth factor, whether the state proceedings provide Plaintiff
19 with adequate opportunity to raise federal claims, while Plaintiff is not a party to the
20 Nourani Criminal Matter, he is an alleged victim of the Penal Code section 187(a)
21 charge for the felony murder of Jennifer Dobbins where Plaintiff John Dobbins is
22 Jennifer Dobbins’ surviving family. Thus, Plaintiff will have the opportunity to
23 address his grievances as an alleged victim during the Nourani Criminal Matter.
24 Moreover, a brief stay of this case will not prevent Plaintiff from addressing the
25 issues raised in his Complaint via this civil action once the Nourani Criminal Matter
26 is resolved.

27 **5. If This Case Is Not Stayed, This Action Will Necessarily**
28

Interfere With The Ongoing Criminal Proceeding

Finally, Plaintiff's federal complaint would interfere with the state proceedings by inserting the federal court into the ordinary course of state proceedings and, if permitted, would threaten the autonomy of the state court. Thomas v. Melendez, 2016 WL 7116720, at 6 (E.D. Cal. Dec. 7, 2016). In other words, allowing this federal action to continue before the criminal trial is resolved would necessarily require this Court to intrude upon the state court system, risking the danger of contradictory decisions, and may effectively enjoin the pending state court proceedings on Nourani's criminal criminal charges. For example, in the criminal trial, the Court will have to determine whether Deputy Barto had reasonable suspicion to detain Nourani and Dobbins. Conversely, in Plaintiff's Complaint, he alleges that Deputy Barto did not have reasonable suspicion to detain Dobbins or Nourani. See Dkt. 1 at ¶¶31; 34 ("Defendant BARTO did not have probable cause to arrest either of the two individuals and did not have reasonable suspicion to stop either of the two individuals.") This is one of many allegations made in Plaintiff's Complaint that will be determined during the Nourani Criminal Matter. Plaintiff's federal complaint would interfere with the state proceedings by inserting the federal court into the ordinary course of state proceedings and, if permitted, would threaten the autonomy of the state court. Thomas v. Melendez, 2016 WL 7116720, at 6 (E.D. Cal. Dec. 7, 2016). In other words, allowing this federal action to continue before the criminal trial is resolved would necessarily require this Court to intrude upon the state court system, risking the danger of contradictory decisions, and may effectively enjoin the pending state court proceedings on Nourani's Criminal Matter. Thus, this factor is met.

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1 **V. CONCLUSION**

2 For the forgoing reasons, Defendants respectfully request that this Court issue
3 an Order staying this civil case until the completion of the Nourani Criminal Matter.
4

5 Dated: October 27, 2025

BURKE, WILLIAMS & SORENSEN, LLP

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7
8 By: /s/ Caylin W. Jones
9 Nathan A. Oyster
10 Caylin W. Jones
11 Attorneys for Defendants
12 COUNTY OF RIVERSIDE and JOHN
13 BARTO
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CERTIFICATE OF WORD COUNT

Pursuant to Local Rule 11-6.2, the undersigned, counsel of record for Defendants hereby certifies that this brief contains 3,269 words, which complies with the word limit of Local Rule 11-6.1.

Dated: October 27, 2025

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